IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 59 OF 2005

SHRIKANT NAIK AND ANR., ...Appellants

Versus

LETICIA AUREA GOMES PEREIRA E MENEZES AND 6 ORS., ...Respondents

Mr. N. K. Sawaikar, Advocate for the appellants.

Coram:- A. P. LAVANDE, J.

Date:- 17th March, 2006

P.C.

Heard Mr. Sawaikar, the learned Counsel for the appellants. The appellants are the original defendants in Special Civil Suit No.38/05/B before the Civil Judge, Sr. Division, at Panaji. The said suit is for declaration and injunction. In the said suit, the appellants, who are the defendants, filed a counter claim and also filed an application for temporay injunction which has been rejected by the trial Court vide Order dated 2.8.05 which is impugned in the present appeal.

The case of the appellants was that they are the tenants in respect of the suit property bearing Survey No.6/3 situated at Diwar. The trial Court, after appreciating the material produced by both sides, came to a prima facie finding that the appellants have not been able to prove their claim of tenancy. The trial Court observed that in the survey records, the names of the appellants do not figure and, therefore, the trial Court dismissed the application for temporary injunction.

I have perused the records. It is well settled that in an appeal from order, granting or refusing the injunction, the scope of interference

is very limited since such an appeal is an appeal of principle as held by the Apex Court in Wander Ltd. and another vs. Antox India P. Ltd., reported in 1990 (Supplement) SCC 727.

Having regard to the principles laid down by the Apex Court, I find no perversity in the findings recorded by the trial Court while refusing the relief to the appellants. In the result, I do not find any merit in this appeal and, therefore, the same is summarily rejected.

A. P. LAVANDE, J.

ssm.